United States Court of Appeals

for the Second Circuit

APPENDIX

77-1230

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

B P/S

DOCKET NO. 77-1230

UNITED STATES OF AMERICA,

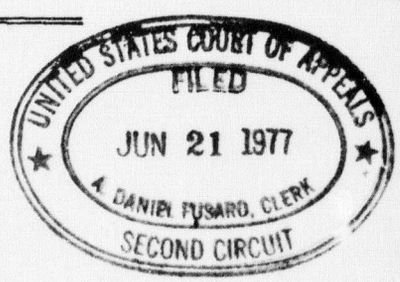
PLAINTIFF-APPELLEE,

V.

VICTOR W. SYMS,

DEFENDANT-APPELLANT.

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT



APPENDIX TO BRIEF OF
APPELLANT
VICTOR W. SYMS

RICHARD S. CRAMER
ASSISTANT FEDERAL PUBLIC DEFENDER
450 MAIN STREET
HARTFORD, CONNECTICUT 06103
ATTORNEY FOR DEFENDANT-APPELLANT

PAGINATION AS IN ORIGINAL COPY

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CRIMINAL DOCKET - U.S. District Court

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JUDGE/MAGISTRATE Assigned
06 | 205 | 2
District | Office | Disp./Sentence

U.S. vs. SYMS, VICTOR WAYNE
(LAST, FIRST, MIDDLE)

JUVENILE

Case Filed Mo | Day: 1 | 13
No. of Defs: * 1

TEC
H77 | 4 | 0:
Yr | Docket No | D:

U.S. MAG. CASE NO ▶ 76-162-

U.S. TITLE SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:2113(a),2	bank robbery (ct. #1)	1
18:371	conspire to violate 18:2113(a) (ct. #3)	1

RECEIVED
MAY 25 1977
OFFICE OF THE FEDERAL PUBLIC DEFENDER

SUPERSEDING COUNTS

BAIL • RELEASE
Denied | AMT Set ↓ | Fugitive | Pers. Reco | PSA
$25,000
Date: 12-27-76
Bail Not Made
Status Changed (See Docket)
conditions: 10% Deposit | Surety Bond | Collateral | 3rd Prty Cust | Oth

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT X	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began: 12-27-76	High Risk Date	Trial Set For: 2-22-77	Voir Dire ☐	Disposition of Charges: 3-18-77
Summons Served	Information ☐: 1-13-77	1st Plea: 1-20-77 (X NG ☐ G ☐ NOL)	Trial Began ☐ J ☐ N	4-25-7
First Appearance: 12-27-76	Indict. Waived ☐	Final Plea: 3-18-77 (☐ NG X G ☐ NOL)	Trial Ended	X Convicted; ☐ Acquitted; ☐ Dismissed: ☐ WOP: ☐ W
In Charging District	Superseding ☐ Indict/Info ☐	G. Plea W/Drawn		☐ On All Charg; X On Lesser * Offense(s)
				☐ On Governm'ts Motion

MAGISTRATE

	DATE	INITIAL/NO
Search Warrant: Issued		
Search Warrant: Return		
Summons: Issued		
Summons: Served		
Arrest Warrant Issued		
COMPLAINT ▶		
OFFENSE (In Complaint)		

INITIAL APPEARANCE DATE ▶
PRELIMINARY EXAMINATION OR ☐ REMOVAL HEARING — Date Scheduled ▶ / Date Held ▶
INITIAL/NO.
☐ WAIVED ☐ NOT WAIVED
☐ INTERVENING INDICTMENT
Tape Number

OUTCOME:
☐ DISMISSED
☐ HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
☐ HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

U.S. Attorney or Asst.
Peter C. Dorsey, US Atty.
Albert S. Dabrowski, Asst.

ATTORNEYS — Defense ☐ CJA ☐ Ret ☐ Waived ☐ Self ☐ None / Other X PD ☐ CD
Richard Cramer

* Show last names and suffix numbers of other defendants on same indictment/information

ROBINSON - 01

1977 (DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c)
1/13	Indictment, filed. Warrant already executed. Bench Warrant to issue. Bond of $25,000 full surety to continue. (Eagan, Mag.)	
1/14	Bench Warrant issued and handed US Marshal.	
1/20	Public Defender appointed to represent deft. PLEA of not guilty entered to all counts. Case continued on same bond of $25,000 surety. Case continued until 2-22-77 for trial. CJA 23 Financial Affidavit, filed. Notice of Readiness, filed by Govt. (Eagan, Mag.)	
1/20	Magistrate's tape, filed.	
1/25	Magistrate's papers filed...docket, Warrant For Arrest of Deft. with return thereon, Commissioners Temporary Commitment with return thereon, Affidavit of Phillip Krumm, BRA Form #1, Magistrate's Warrant of Arrest with return thereon, and Complaint with attached Affidavit. (Eagan, Mag.)	
2/4	Motion For Reduction of Bond and Motion to Suppress, filed.	
2/4	Motion For Discovery and Inspection, filed.	

App. 1

DATE 1977	PROCEEDINGS	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
2/11	Ruling on the Application For Reduction of Bond, filed. (DENIED) (Eagan, Mag.) M.2-11-77. Copies sent to counsel of record.				
2/14	Hearing on Motion to Suppress and Motion For Discovery and Inspection - Two Govt. witnesses sworn and testified. Govt. exh. 1-5, filed. Two Def. witnesses sworn & testified. Defendant sworn & testified. Case continued to Wednesday at 10:00 a.m. (Clarie, J.)	3	2-14-77	E	
2/16	Hearing - Defendant Syms previously sworn resumed stand & testified. Govt. exh. 6-8 marked for identification. Govt. exh. 6 now marked full exhibit. One Govt. witness sworn & testified. Three Govt. witnesses previously sworn resumed stand & testified. Motion to Suppress - Denied. Govt. counsel to present proposed findings of fact by Monday morning. Court adjourned at 11:45 p.m. (Clarie, J.)	3	2-16-77	E	3
2/18	Findings of Fact, filed.				
2/22	Proposed Findings of Fact, filed.				
2/23	Findings of Fact, filed. (Clarie, J.) M.2-23-77. (motion to suppress is denied.) Copies sent to counsel of record.				
3/8	Atty. Dennis requests 2 weeks continuance. Change of plea on March 21, 1977 or pick jury on March 22, 1977. (Clarie, J.)	3	3-8-77	Y	
3/18	CHANGE OF PLEA to guilty entered to ct. #1. Reserve right to appeal ruling on suppression hearing. Count #3 to be dismissed at time of sentencing. Same bond to continue. Continued for pre-sentence report. Court adjourned at 10:45 a.m. (Clarie, J.)	3	3-18-77	Y	10
4/25	DISPOSITION - ct. #1 - 15 yrs. impr. Count #3 dismissed by the Court on motion of U.S. Atty. Court recommends incarceration of deft. at CCC-Hartford, subject to discretion of Conn. Dept. of Corrections, pending his removal to a Federal Institution. (Clarie, J.) Order For Dismissal of ct. #3, filed. (Clarie, J.) M.4-26-77.				
4/26	Notice of Appeal, filed. Copies sent to counsel of record. Certified copies of Notice of Appeal and Docket Entries mailed to USCA.				

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

BEST COPY AVAILABLE

B

FILED
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CLERK
U.S. DISTRICT COURT
HARTFORD, CONN.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :

V. : CRIMINAL NO. H77-00004

FRANK LEROY ROBINSON and :
VICTOR WAYNE SYMS :

INDICTMENT

The Grand Jury charges

COUNT ONE

On or about December 20, 1976, in the District of Connecticut, FRANK LEROY ROBINSON and VICTOR WAYNE SYMS, the defendants herein, by force and violence and by intimidation, wilfully and unlawfully, did take from the person and presense of another, the approximate sum of Three Thousand Five Hundred Forty Dollars and One Cent ($3540.01) in money, belonging to, and in the care, custody, control, management and possession of the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, Connecticut, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a) and 2.

COUNT TWO

On or about December 20, 1976, in the District of Connecticut, FRANK LEROY ROBINSON, unlawfully and knowingly did possess about Five Hundred and Fifty Dollars ($550) which had

COUNT TWO

On or about December 20, 1976, in the District of Connecticut, FRANK LEROY ROBINSON, unlawfully and knowingly did possess about Five Hundred and Fifty Dollars ($550) which had been taken and carried away with intent to steal and purloin from the care, custody, control, management and possession of the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, Connecticut, the deposits of which were insured by the Federal Deposit Insurance Corporation at the time of such taking and carrying away, and FRANK LEROY ROBINSON then knew said money to have been so taken and carried away, in violation of Title 18, United States Code, Section 2113(c).

COUNT THREE

From on or about December 18, 1976 until on or about December 20, 1976, in the District of Connecticut, FRANK LEROY ROBINSON and VICTOR WAYNE SYMS, the defendants herein, and unindicted co-conspirators Elkie Lee Crump and Clinton Gil Milner wilfully and knowingly did combine, conspire, confederate and agree together and with each other and with others to the Grand Jury unknown, to commit offenses against the United States, to wit: to commit an armed robbery of the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, Connecticut, a federally-insured bank, in violation of Title 18, United States Code, Section ~~2113~~ 2113(a); and to unlawfully receive and possess the cash proceeds of said robbery with knowledge that said proceeds had been taken and carried away from said federally-insured bank, in violation of Title 18, United States Code, Section ~~2113~~ 2113(c).

OVERT ACTS

In furtherance of said conspiracy, and to effect the objects thereof, the following overt acts were committed:

1. On or about December 1 , 976, at Hartford, Connecticut FRANK LEROY ROBINSON and VICTOR WAYNE SYMS met and had a conversation.

2. On or about December 19, 1976, FRANK LEROY ROBINSON and VICTOR WAYNE SYMS met at 132 Hampton Street, Apartment 102, Hartford, Connecticut.

3. On or about December 19, 1976 FRANK LEROY ROBINSON gave VICTOR WAYNE SYMS a sawed-off double barrel shotgun.

4. On or about December 19, 1976 FRANK LEROY ROBINSON gave VICTOR WAYNE SYMS a .38 caliber Smith and Wesson Revolver.

5. On or about December 19, 1976 FRANK LEROY ROBINSON and VICTOR WAYNE SYMS rode in an automobile in the vicinity of the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, Connecticut.

6. On or about December 20, 1976 VICTOR WAYNE SYMS possessed a sawed-off double barrel shotgun.

7. On or about December 20, 1976 VICTOR WAYNE SYMS, Elkie Lee Crump and Clinton Gil Milner entered the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, Connecticut.

8. On or about December 20, 1976, at approximately 5:30 p.m., VICTOR WAYNE SYMS met FRANK LEROY ROBINSON in Hartford, Connecticut.

9. On or about December 20, 1976 VICTOR WAYNE SYMS gave FRANK LEROY ROBINSON some money.

10. On or about December 20, 1976 VICTOR WAYNE SYMS, FRANK LEROY ROBINSON and other individuals rode in a car. (all in v.d. of 18 U.S.C. 371) Rule 7 c(3)

A TRUE BILL

FOREMAN

PETER C. DORSEY
United States Attorney

Albert S. Dabrowski
ALBERT S. DABROWSKI
Assistant United States Attorney

I hereby certify that the foregoing is a true copy of the original document on file. Date: 1-14-77

SYLVESTER A. HASKOWSKI
Clerk

By: Lori Inferrera
Deputy Clerk

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA	)	
	)	
V.	)	CRIMINAL NO. H-77-4
	)	
VICTOR WAYNE SYMS	)	
	)	

MOTION TO SUPPRESS

The defendant, VICTOR WAYNE SYMS, hereby moves pursuant to 18 U.S.C. § 3501 and Rule 12 of the Federal Rules of Criminal Procedure to suppress any and all oral and written statements, and evidence derived therefrom, made by him to any agent of the state or federal government. More particularly, defendant seeks to suppress:

1. Oral statements made on December 25, 1976, to Hartford police officers since such statements:

a. Were given in violation of his Sixth Amendment right to counsel;

b. Were involuntary in that they were the product of threats by the police officer to detain and prosecute defendant's girl friend in violation of the Fifth and Fourteenth Amendments; and

c. Were given without proper Miranda warnings in violation of the Fifth Amendment.

2. Oral and written statements made to FBI agents on December 25, 1976, in that such statements:

a. Were given in violation of his Sixth Amendment right to counsel and

b. Were the product of the oral statements previously made to Hartford police and were not sufficiently purged of the initial taint.

3. All statements were the product of an illegal search of a private home in violation of defendant's Fourth Amendment in that arresting officers had neither a search warrant nor probable cause to believe that the defendant was in the house in which he was arrested.

Dated at Hartford, Connecticut, this 4th day of February, 1977.

THE DEFENDANT
VICTOR WAYNE SYMS

BY Richard S. Cramer
RICHARD S. CRAMER
Assistant Federal Public Defender
450 Main Street
Hartford, CT 06103
[203-244-3357]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing motion was hand-delivered to the office of Albert S. Dabrowski, Esq., Assistant United States Attorney, 450 Main Street, Hartford, CT 06103, and mailed, postage prepaid, to Peter J. Zaccagnino, Jr., Esq., 104 Asylum Street, Hartford, CT 06103, this 4th day of February, 1977.

Richard S. Cramer
RICHARD S. CRAMER
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
:
-vs- : Criminal No. H-77-4
:
VICTOR WAYNE SYMS :

FILED
FEB 23 1977
OFFICE OF THE FEDERAL
PUBLIC DEFENDER

FINDINGS OF FACT

1. On December 20, 1976, the Hartford National Bank and Trust Company, Unity Plaza Branch, 273 Barbour Street, Hartford, was robbed by three black males.

2. On December 21, 1976, a warrant for the arrest of Victor Syms in connection with the above robbery was issued by United States Magistrate F. Owen Eagan.

3. As of December 21, 1976, Detective Edgar Campbell of the Hartford Police Department, as well as other Hartford police officers, knew of the existence of this warrant and joined with the FBI in a search for the defendant.

4. On the afternoon of December 25, 1976, an unidentified telephone caller informed the Hartford Police Department that Victor Syms was present in an apartment at 134 Hampton Street, Hartford. As a result of this call Detective Campbell and several other officers went to the building at 134 Hampton Street. Detective Campbell knocked on the door to 134 Hampton Street but received no response. He and the other officers then returned to the police station.

5. Shortly after his return to the police station, Detective Campbell received a phone call from an unidentified

male who told him that he had gone to the wrong building; that Victor Syms was at 132 Hampton Street; that the caller had just seen him there; and that Victor Syms and "his lady" were planning to leave soon.

6. In response to this call, Detective Campbell went to 132 Hampton Street, accompanied by Hartford Police Officers Richard Caron, Joseph Schatz and Mark Haley. They arrived at 132 Hampton Street at approximately 5:00 p.m.

7. Detective Campbell knew that Apartment 102 at 132 Hampton Street was owned or rented by Muriel Walton.

8. Between December 20 and 24, Detective Campbell had interviewed Muriel Walton and other persons in Apartment 102 in an effort to locate Victor Syms and his girlfriend Cassandra Robinson, who is Muriel Walton's daughter.

9. Upon arriving at 132 Hampton Street, Detective Campbells and officers Haley and Caron went to the door of apartment 102. Officer Schatz went to the side of the building to watch for anyone who might try to climb out of a window.

10. Detective Campbell knocked on the door of apartment 102. The door was opened by Donald Sheets (Muriel Walton's boyfriend). At this time Detective Campbell was armed with a .38 caliber Colt Detective Special with a 2 inch (snub nose) barrel. However, the weapon was in his holster at this time. Officers Caron and Haley stayed against the hall wall on each side of Campbell. Officers Caron and Haley had their weapons drawn.

11. Detective Campbell identified himself and the others as police officers. He displayed the arrest warrants for Victor Syms to Donald Sheets and asked Sheets if Syms or Cassandra Robinson were in the apartment.

12. Sheets allowed the officers to enter the apartment. He stated that Cassandra was in the bedroom but he did not know if Syms was with her.

13. At no time did Campbell or any officer verbally threaten Sheets to obtain entrance to the apartment.

14. At no time did Campbell or any other officer stick or jam a long barrelled pistol or any other weapon into Sheets' stomach.

15. At no time did Sheets demand to see a search warrant or ask Campbell or any other officer if he had a search warrant.

16. On at least six (prior) occasions during the period between December 20-24, Campbell, Detective Robert Lajoie or other police officers had been to Apartment 102, looking for Syms at 132 Hampton Street and had been allowed to enter the apartment.

17. Detective Campbell drew his weapon and knocked on the bedroom door, which was closed.

18. Detective Campbell was aware at this time that weapons had been used in the bank robbery and that one, a sawed off shotgun used by Syms during the robberty, had not been recovered.

19. The bedroom door was opened about one foot by Cassandra Robinson. Campbell told Robinson he had a warrant for Syms arrest and asked her if Syms was in the room.

20. Robinson turned her head and looked behind her into the bedroom at which time Campbell observed a pair of male legs moving off a bed in the room. Campbell pushed the door open and observed Victor Syms (who he had seen on several prior occasions during the past year) moving away from the bed toward a closet.

21. Detective Campbell placed Syms under arrest, searched him for weapons and handcuffed him.

22. Detective Campbell advised Syms of his Miranda rights, reading from a card he carried in his pocket for that purpose. (Government Exhibit No. 1).

23. When Detective Campbell informed Syms of the warrant Syms responded that he knew about the bank robbery warrant and one of the state warrants, but not about the other.

24. Campbell frisked Cassandra Robinson for weapons. Campbell took her pocketbook and checked it for weapons. No weapons were found and the pocketbook was returned to her.

25. Campbell and Officer Caron checked two bags on the bed for weapons. Officer Caron checked the closet for weapons. No weapons were found. Several items of clothing worn by Syms during the bank robbery were found in a bag on the bed.

26. No search other than the above described protective search for weapons was conducted by the officers.

27. Miss Robinson was not handcuffed or placed under any form of physical constraint.

28. Miss Robinson was at no time placed under arrest.

29. At the apartment Syms stated to Detective Campbell that Miss Robinson was not involved in the bank robbery. Detective Campbell responded that they were not going to arrest her but that if it later turned out she was involved she would be arrested.

30. Miss Robinson, in the presence of Victor Syms, told Detective Campbell she wanted to go the police station with Syms. Campbell told her that she could not go in the car with Syms.

31. Syms was transported to the police station in the back seat of a police cruiser with one officer on either side of him and Detective Campbell driving.

32. Campbell arranged for a police car then in the area of Hampton Street on routine patrol to take Cassandra Robinson to the police station since she did not have a car. Robinson rode to the police station in the front seat of a car driven by an officer who was not familiar or connected with the arrest of Victor Syms.

33. At the police station Syms was placed in an interview room while Detective Campbell sat at a nearby desk.

After placing a telephone call to FBI Agent Phillip Krumm to inform him of the arrest of Syms, Detective Campbell proceeded to fill out the necessary booking forms.

34. Miss Robinson arrived at the police station several minutes later and asked Campbell if she could see Syms. Campbell told her to wait in a room adjoining the room in which Syms had been placed.

35. Prior to the arrival of Agent Krumm, Syms knocked on the door of his room on several occasions in order to get Detective Campbell's attention. Each time they had a brief conversation.

36. On the first such occasion, Syms showed Detective Campbell a newspaper clipping (Government Exhibit No. 5) concerning the arrest of several other suspects in the bank robbery and made a statement to the effect that "They're telling their story, when do I get a chance to tell my story." Campbell told Syms that this was not his case and that an FBI agent was coming down to talk to him.

37. Detective Campbell did not interview Syms concerning the bank robbery.

38. At no time did Detective Campbell tell Syms or suggest to him in any way, that charges would be brought against Miss Robinson if Syms did not make a statement to Detective Campbell or to Agent Krumm concerning the bank robbery.

39. Prior to the arrival of Agent Krumm, Syms asked Detective Campbell if he could see Miss Robinson.

40. Detective Campbell brought Miss Robinson in to see Syms and the two of them had a conversation.

41. In response to questions by Syms, Detective Campbell indicated that the FBI might want to obtain as evidence any items purchased with money from the bank robbery. Campbell told Syms that the FBI would not take his watch unless he bought it with money from the bank robbery.

42. When Miss Robinson was in the room Syms gave her his watch. He explained this action to Campbell by stating he purchased the watch prior to the robbery but was afraid the agents might take it anyway. Syms also expressed concern that they might want to take Miss Robinson's clothes.

43. Detective Campbell asked Miss Robinson if she would like a ride home and arranged to have her driven back to the apartment by another officer.

44. Miss Robinson left the police station before Agent Krumm arrived.

45. Agent Krumm arrived at the police station between 6:00 and 6:30 p.m. He spoke briefly to Detective Campbell and made telephone calls to an Assistant United States Attorney and to United States Magistrate F. Owen Eagan.

46. Agent Krumm determined that Syms was being held on

valid state warrants and would be presented in state court on Monday, December 27.

47. Agent Krumm then began his interview with Syms by identifying himself, explaining the purpose of the interview, and giving Syms a printed Interrogation and Advice of Rights form (Government Exhibit No. 2).

48. Syms read the form, and indicated several times orally to Agent Krumm that he understood his rights. He then signed the waiver of rights and consent to interview portion of the form.

49. During the interview Syms was at all time extremely cooperative.

50. Agent Krumm never stated or suggested to Syms that Miss Robinson would be arrested if he did not cooperate and confess to the bank robbery.

51. At no time did Agent Krumm make any threats or promises, directly or indirectly, aimed at influencing the statements made by Syms.

52. The interview lasted from 6:47 p.m. until 8:14 p.m.

53. During the interview, Syms stated that he had participated, along with several others, in the bank robbery.

54. At the conclusion of the interview, Agent Krumm prepared, in his handwriting, a five page statement containing the facts related to him by Syms. (Government Exhibit No. 3).

55. Agent Krumm gave this statement to Syms and asked him to read it. Syms did so, initialing the beginning and end of each page and also making several changes in the statement, which he also initialed.

56. After reading the statement, and telling Agent Krumm that it was correct, Syms added a sentence in his own handwriting acknowledging that the statement was voluntarily given and was true. He then signed the statement.

57. During the interview Syms had volunteered to show Agent Krumm a building on Charlotte Street in Hartford to which Syms said he had gone after the robbery.

58. After Syms had signed the statement, Agent Krumm and Detective Campbell drove him, in Agent Krumm's car, to that building.

59. After Syms had pointed out the building at Charlotte Street, Agent Krumm returned him to the police station and left him in the custody of Detective Campbell.

60. At approximately 5:45 p.m., the next day, December 26, 1976, Syms, then confined at the Morgan Street jail, told the warden (duty officer) that he wanted to talk to someone about "this and other cases."

61. Pursuant to his request, Syms was taken to see Detective Robert Lajoie and William Kearns.

62. Prior to his conversation with these detectives,

Syms read and signed a statement acknowledging that he had been informed of his Miranda rights and voluntarily waived those rights. (Government Exhibit No. 6).

63. Following the advice of rights, Detective Lajoie told Syms that the bank robbery was a federal case and, therefore, they couldn't make any deals or promises.

64. Syms then told the officers that neither Cassandra Robinson or her mother, Muriel Walton, were involved in the robbery. Detective Lajoie again told him that this was a federal matter and they had absolutely no control over what, if anything, would happen to them in the federal case. Lajoie told Syms that as far as he knew neither Cassandra Robinson nor Muriel Walton had been arrested.

65. During his conversation with the detectives, Syms gave them information concerning several other bank robberies and identified a photograph of Willie Peay as the individual he had referred to as "P.A." in his written statement to Agent Krumm. (Government Exhibit No. 3).

66. Following his appearance in state court on Monday, December 27, Syms was taken into custody pursuant to the federal warrant by agents of the FBI.

67. The confession (Government Exhibit No. 3) given to Agent Krumm by Syms and the statements he made to Detectives Campbell, Lajoie and Kearns were free and voluntary and were made with full knowledge and understanding of his constitutional rights.

68. Mr. Syms is a convicted felon, having been convicted of the crimes of indecent assault, for which he was sentenced to a term not to exceed two years, and robbery, for which he was sentenced to a term of two to five years.

69. Detective Campbell is an experienced law enforcement officer with no stake in the outcome of the instant litigation and no motive to testify falsely.

70. Detective Campbell testified truthfully and, having viewed his demeanor and heard his testimony, the Court regards his testimony as credible.

71. Victor Syms testified incredibly with respect to the circumstances of his arrest and with regard to numerous aspects of his conversations with Detective Campbell on December 25, 1976 and Detectives Lajoie and Kerns on December 26, 1976. The falsity of defendant's testimony with respect to these matters diminishes his overall credibility.

72. Defendant Syms admitted at the suppression hearing that he had in fact robbed the bank, and hence he was aware of his own involvement at the time he spoke to Edgar Campbell and, later, to Agent Krumm and Robert Lajoie.

73. Victor Syms freely and voluntarily admitted his participation in the robbery, as well as that of Frank Robinson and Willie Peay because he realized that he was involved and decided that it would be in his best interests to admit that involvement.

74. Victor Syms' confession was not the product of threats or coercion, either as to himself or his lady friend, Cassandra Robinson, nor was it the result of any police misconduct.

75. At the time of his confession to Agent Krumm, Victor Syms fully understood the consequences of what he was saying and doing.

76. The Court credits the testimony of Detectives Edgar Campbell and Robert Lajoie and FBI Agent Phillip Krumm, and to the extent which that testimony conflicts with the testimony of Victor Syms, Cassandra Robinson and Donald Sheets, resolves those conflicts against the defendant.

The Court finds that the execution of the arrest warrant was carried out in a proper and legal manner, and that the confession of bank robbery was voluntarily and intelligently given, without any threat, promise or coercion. The motion to suppress is denied. SO ORDERED.

Dated at Hartford, Connecticut, this 23rd day of February, 1977.

T. Emmet Clarie
Chief Judge

(203-244-3357)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that two copies of Appellant's Brief and Appendix were mailed to George J. Kelly, Jr., Esq., Assistant United States Attorney, 450 Main Street, Hartford, Connecticut 06103, this 20th day of June, 1977.

Richard S. Cramer

RICHARD S. CRAMER
Assistant Federal Public Defender